

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 99-10371-RGS

UNITED STATES OF AMERICA

v.

JAMES J. BULGER

ORDER

June 30, 2011

BOWLER, U.S.M.J.

This court has carefully considered defendant James J. Bulger's (the "defendant") request for appointment of Criminal Justice Act ("CJA") counsel, which was made in open court on June 24, 2011, and supported by his Financial Affidavit, filed ex parte and under seal, and his Memorandum in Support of Appointment of Counsel Under Criminal Justice Act. This court has also considered information provided by the government in its Submission Re: Defendant's Request for Court Appointed Counsel, as well as the arguments presented in court.

This court finds that at this time the defendant is financially unable to retain counsel privately. He is, therefore, eligible for the appointment of counsel. See 18 U.S.C.

§3006A(a), (b); Guide to Judiciary Policy (the "Guide"), Vol. 7, Pt. A, §210.40.30(a). In addition, this court finds that exceptional circumstances justify the appointment of a member of the CJA Panel other than the duty attorney. See Order 09-05, as amended August 4, 2009 (the "CJA Plan") §V(A). Moreover, in this extremely difficult case, it may be necessary in the interests of justice at some point in the future to appoint an additional CJA attorney for the defendant. See Guide, Vol. 7, Pt. A, §230.53.20. This court reserves on this issue until a future date and a substantial showing of need.

Accordingly, it is hereby ORDERED that:

1. J. W. Carney Jr., Esq., of the Boston firm of Carney and Bassil is appointed as CJA counsel for the defendant

2. The defendant shall promptly inform his counsel and the court of any change in his ability to pay some or all of the costs related to his representation. In any event, at or before the conclusion of the case, the court will review all available information to determine if the defendant should be ordered to repay any or all of the cost of his appointed counsel.

3. Inasmuch as the limited purpose for which Peter B. Krupp, Esq., was appointed has been fulfilled, his appointment as the defendant's CJA counsel is concluded.

/s/ Marianne B. Bowler

MARIANNE B. BOWLER

United States Magistrate JUDGE
